

REMARKS

The Office Action of September 28, 2005 has been considered by the Applicants. Reconsideration of the Application is requested.

In the Office Action, the Examiner rejected claims 1-33. Claim 26 is cancelled. New claims 34 and 35 are added herein. New claims 34, 35, and 36 recite features previously recited in claims 14, 15, and 16, respectively. Claims 1-25 and 27-36 are pending.

The Examiner rejected claims 1-33 under 35 U.S.C. 102(b or e), as anticipated by or, in the alternative, under 103(a) as obvious over each of U.S. Patent No. 6,413,691 to Daimon, U.S. Patent Application Publication 2003/0017406 to Gutman et al., or U.S. Patent Application Publication 2003/0104296 to Hamano et al. Applicants traverse this rejection.

Applicants would appreciate clarification of the rejection under 103(a). Specifically, the Examiner's rejection states that the claims are rejected over each of Daimon, Gutman, or Hamano. Applicants interpret this to mean that the rejection under 103(a) is based on each individual reference and not any specific combination of the references.

The claims are neither anticipated by or obvious in view, either alone or in combination, of any of the references. The references fail to disclose the method recited in independent claims 1 or 27.

With respect to claim 1, the references fail to disclose either (1) a process comprising adding a polymer to heated water, adding a colorant dispersion, subsequently adding an aggregate, heating this mixture above the polymer glass transition temperature to cause aggregation and coalescence, or (2) subsequently adding alumina particles to an aggregate/coalesced composition. Specifically, Daimon does not disclose a method whereby aggregation and coalescence are achieved by heating a mixture of polymer, colorant, and aggregate above the polymer glass transition temperature. Daimon discloses that its toner is prepared in separate discrete steps. Gutman only provides a general discussion of emulsion

aggregation techniques (See Paragraph 24). And Hamano is directed to a process that requires heating above the melting point of a polyester resin. The Examiner has not pointed to any specific locations in the references that disclose the claimed process.

With respect to claim 27, the references fail to disclose heating a mixture of a latex, aggregating agent, and a colorant in the presence of water at a temperature below the polymer's glass transition temperature, and then employing a second heating above the polymer's glass transition temperature.

Additionally, the fact that the references merely disclose that alumina may be added to toner compositions does not teach or suggest the process set forth in claim 1, wherein the alumina particles are added subsequent to heating the mixture of polymer, colorant, and aggregate above the polymers glass transition. None of the references teach or suggest this feature. More specifically, none of the references teach this combination. Therefore, the references fail to teach or suggest all the features of the present claims. As such, the references, either alone or in combination, fail to anticipate or render the claims obvious. Applicants request that the rejections based on Daimon, Gutman, or Hamano be withdrawn.

The Examiner also rejected claims 1-33 under 35 U.S.C. 103(a) as obvious in view of Daimon, Gutman, or Hamano in further view of U.S. Patent No. 6,416,920 to Hopper et al. Applicants traverse this rejection.

As previously described, none of Daimon, Gutman, or Hamano, either alone or in combination, teach or suggest the present claims. The Examiner relies on Hopper for using alumina coated silica to impart cationic properties to a toner. Hopper, however, does not make up for the other reference's deficiencies.

Further, a person skilled in the art would not rely on Hopper to arrive at the present claims. There is no teaching or suggestion in Hopper to add alumina after aggregation or after heating above the glass transition temperature as recited in the present claims. Rather, Hopper's alumina coated silica is used to initiate flocculation or aggregation of the resin latex. Thus, the alumina coated silica is added prior to aggregation and not after aggregation as recited in the present claims. Considering

the reference as a whole, Hopper actually teaches away from the method recited in the present claims. Therefore, a person skilled in the art would not rely on Hopper's teaching to modify any of Daimon, Gutman, or Hamano, other than through prohibited hindsight, to arrive at the present claims. Applicants request that the rejection based on Daimon, Gutman, or Hamano in further view of Hopper be withdrawn.

Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

Respectfully submitted,

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